

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOHN W. MANNING,

Petitioner,

vs.

RICK THALER,

Respondent.

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CIVIL ACTION NO. H-10-0275


MEMORANDUM AND OPINION

On January 28, 2010, the Clerk of Court issued a notice to the petitioner that his federal petition had been filed. (Docket Entry No. 3). Copies of the Clerk's notice were mailed to petitioner at the address on record. The order was returned to the court on February 1, 2010 by the postal service because the petitioner had been released from custody. (Docket Entry No. 4).

Under Local Rule 83.4, a pro se litigant is responsible for keeping the Clerk advised in writing of his current address. The court will send notices only to the address on file. The petitioner has failed to provide the court with an accurate, current address. Under the inherent powers necessarily vested in a court to manage its own affairs, this court determines that dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995); 8 J. Moore, *Federal Practice* § 41.51(3)(b) & (e) (3d ed. 1998). Upon a proper showing, relief from this order may be granted in accordance with FED. R. CIV. P. 60(b). *See Link*, 370 U.S. at 635.

This action is dismissed without prejudice for want of prosecution.

SIGNED on March 31, 2010, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", written over a horizontal line.

Lee H. Rosenthal
United States District Judge